Det Bel Isle & Windsor Ferry Co 07

THE MARINE RECORD.

DEVOTED TO COMMERCE, ENGINEERING AND SCIENCE.

VOL. IX No. 45. CLEVELAND. O., NOVEMBER 10 1887. $2.00 PER ANNUM SINGLE COPIES 5 CENTS.

AROUND THE LAKES.

CLEVELAND.

Willie Dwyer, the youngest son of Captain William Dwyer of the tug James Amadeus, died Monday evening.

Captain R. C Goldsmith, who was master of the propeller Morley when she was wrecked at Grand Marais, was in the city Tuesday.

In another column will be found an advertisement for the sale of the schooner Senator Blood. The schooner is laid up at Algonac and will get a rebuild there.

Captain Thomas Nester, owner of the barge George Nester was in the city this week. This is the first appearance of the Nester at this port. She is a fine, business looking boat.

Captain B. Calhoun, master of the Montana was in port from Sandusky. He will load wheat for Buffalo, coal for Toledo and then corn for Ogdensburg, where he will lay the boat up.

The steamer Kalkaska, Captain A. H. Fish, is in port with her 43d cargo of lumber this season for Woods, Jencks & Co. from Oscoda. Captain Fish intends to make four more trips this season.

Captain Kerr, of the schooner Delaware, offers $50 reward for the recovery of the body of his father, Captain Robert Kerr, of the schooner Constitution, who was knocked overboard by the boom on Sunday night off Sandwich Point, J. W. Westcott will pay the reward.

A survey was held Monday on Captain George Stephens' tug the Florence, which was burned Sunday. The damage will be heavy. The boat is insured against fire for $1,000 and the damage will probably reach that amount.

Messrs. W. B. Scott & Son, agents of the Ætna and Greenwich insurance companies, in which the schooner Frank D. Barker was insured, Monday paid the full amount of the policies on that vessel. $6,000, she being a total loss. It will be remembered that the Barker was stranded in one of the gales in the early part of October on Spider Island.

H. D. Root, who built at this port during the summer the steambarges Jos. P. Farnan and Margaret Olwill, has now left Cleveland for his home in Lorain. At the latter port he will build two steambarges during the winter, one for the Kelley Island Lime Co., and one for a syndicate of gentlemen at Amherstburg.

The schooner Montgomery which received a bad shaking up in the late gale on Lake Huron, went into drydock and a survey was held. Mr. Miller, on the part of the underwriters, and Captain Murphy, on the part of the owners. Her hull has undoubtedly sustained considerable injury, besides the loss of of sail, booms, gaffs, centerboard, springing of her foremast, etc.

At Cleveland drydock since last report the steamer Jessie H. Farwell was in for a new wheel and to have leaks stopped; the schooner Ironton for slight repairs to bottom, new piece of keel aft and new rudder; schooner Montgomery to have bottom recalked, general repairs and a new foremast.

Meteorological summary for the week ending November 9:

Mean barometer	30.04
Mean temperature	47.6
Mean humidity	57.9
Total precipitation	.08
Prevailing direction of wind	Westerly
Total wind movement	1640
Av. cloudiness	5.2
Av. state of weather	Fair.
Max. temperature, highest	58.9
Min temperature, lowest	36.7

WILLIAM LINE, Sergt. Signal Corps, U. S A.

George W. Colwell of Harrisville, Mich., is anxious to know what vessel lost a large amount of lumber off Sturgeon point in the blow of October 23. He wired collector of customs McKinnie, asking if the propeller City of Cleveland lost her deckload of lumber at that time. The propeller City of Cleveland is an ore carrier but it is probable that Mr. Colwell means the propeller Cleveland, as that boat has been engaged in the lumber trade.

CHICAGO.

Special to the Marine Record

Grain freights have decreased considerably since a week ago, and they are now quoted at 3 cents on wheat and 2½ cents on corn to Buffalo, with plenty of takers.

The fine steamship Roumania, Captain F. H. Danger loaded 143,000 bushels of oats for Buffalo, Tuesday. This was an unprecedented large cargo and she was full choke up.

The steamship City of Rome, Captain Chapman, came down the river between 8 and 9 a. m. Tuesday, laden with grain for Buffalo. She had been aground at Polk street bridge since the previous Saturday afternoon although drawing only 15 feet of water and carrying 10,000 bushels less than she has done before this season. Several large vessels which had taken on loads up the south branch of the river were also delayed in consequence of not being able to get past her. Monday morning six tugs and the steamship Commodore managed to pull her back a short distance out of the draw of the bridge, so that navigation up and down the river could be proceeded with. Chicago city authorities should do lots of dredging unless they wish to prevent large vessels from trading at this port.

The steamship Commodore, whilst coming down the river Monday morning, after having been delayed about 38 hours in consequence of the City of Rome being on the bottom, struck an obstruction of some kind when passing over Washington street tunnel and carried away her shoe, stern post and rudder stock. She had about 40,000 bushels of corn which was loaded into three of her aft hatchways and she was drawing something over 15 feet aft. She was towed to Miller Brothers drydock Tuesday morning for a new stern post, rudder and shoe.

Captain Simon Christopher, of Chicago, wishes to express his heartfelt thanks to the captain and crew of the Milwaukee life saving station, for the excellent assistance they rendered him when his schooner the Maine, went ashore off Milwaukee, a short time ago.

At the Chicago drydock company's, the steambarge City of St. Joseph, was in dock for repairs to stern bearing; the steambarge John Otis, for bottom calking; the schooner John Mee, had her top sides calked; the steambarge Rube Richards, received new tow posts, some new bulwarks and other repairs; the schooner Emma C. Hutchinson, some repairs; the steambarge Bessemer, had her center board box calked and some repairs.

At Miller Bro.'s shipyard the tug Babcock was in dock for a new stem and stem-iron; the schooners Annie Voight, Annie Dall and Sweetheart to have leaks stopped; schooner Four Brothers for bottom calking.

Captain Jesse Hurlbut left Chicago Saturday night to take command of the Araxes at Buffalo.

Chicago marine men heartily indorse that part of the verdict on the Vernon disaster which condemns the vessel captains who heartlessly passed by the unfortunate men on the raft and other wreckage without making any effort to pick them up. An old lake captain states that he has been out in some very heavy gales on Lake Michigan, but never found one when it was not possible to get the vessel hove to when necessity required it, and that he would never have passed by drowning men without making an attempt to save them, and his statement and opinion are endorsed by many more captains.

Early Tuesday morning the steamer J. W. Westcott sunk in Lake Michigan, seven miles north of Chicago, and may prove a total loss. Her crew of twelve men escaped. The Westcott, commanded by Captain G. A. Phelps, left South Chicago at 9 o'clock Monday night laden with 24,250 bushels of wheat, and was bound for Buffalo. The wind was blowing fresh from the southeast and the sea was smooth. At 11 o'clock the wind shifted to northeast, developing into a gale, and a heavy sea set in. At midnight when the steamer was about twenty-five miles below Chicago, the watchman sounded the pumps, and reported eight inches of water in the hold. This was the first knowledge Captain Phelps had that the steamer was leaking. The pumps and siphons were set in motion, and the steamer was put about, Captain Phelps intending to run back to Chicago. The inflow gained steadily, and soon got beyond control of the pumps. At two o'clock in the morning, when abreast of the Marine Hospital, the steamer's main deck was under water, and knowing that she would surely go down before the harbor could be reached, Captain Phelps headed her for the beach. She struck bottom in twenty-two feet of water when within about a quarter of a mile of shore, and settled in the quicksand until both rails were submerged. The crew took refuge in the boat house and remained there until day light, when the yawl was lowered and they went ashore. Surgeon Goldsboro had seen the wreck and his men were on the beach to take charge of the shipwrecked crew as soon as they landed. They were at once escorted to the hospital, where a hot breakfast was in readiness. The life saving crew pulled out to the wreck and got there soon after she was abandoned, but there was nothing they could do. The Dunham Towing & Wrecking Co., will send an expedition to the steamer and two divers will endeavor to ascertain her condition. Fears are expressed that the sea will wash the sand from under her stern and that the weight of her heavy machinery in the after end will break her back. Captain Dunham thinks not. Captain Phelps is unable to account for the leak, as the steamer was in good condition and only four years old. He thinks the leak was forward and above the high water line. As the water in South Chicago was unusually low when the steamer loaded there, it is not unlikely that she got on the bottom and strained herself so hard that her butts were sprung, or that she struck an obstruction while leaving port. She is owned by Robert Holland, of Marine City, measures 451 tons, and valued at $45,000. She was insured for $15,000 in Crosby & Macdonald's pool. Mr. Holland also owned the barge Louie O'Neil, which was lost in lake Erie last spring, and the boat in which the Westcott's crew escaped is the same one that carried the O'Neil's crew across Lake Erie in a terrific storm. The Westcott's cargo, shipped by Fisk, Thomas & Co., was insured for $18,187, of which $8,000 was in the Commercial Union, $5,187 in the Boston Marine, and $5,000 in the Phœnix.

The fine new steambarge M. T. Green owned by the Chicago Lumber Co., and Captain A. Flagstead, who commands her, went into the Chicago Dry Dock Co's dock on Saturday to have her shoe lengthened and her rudder placed farther aft and a new Trout wheel, 10 feet in diameter. The Green was recently built by R. W. Lynn at Gibralter, Mich., under the personal superintendence of Captain Flagstead. She is well and substantially built and as strong as good wood and iron can make her. Her dimensions are 155 feet keel, 165 feet over all, 30 feet beam, 11½ feet depth of hold. She carries 545,000 feet of lumber, rates A1* and is valued in Inland Lloyds at $60,000. The engine is a fore and aft compound, 20x36 high pressure, 36x36 low pressure, 36 inches stroke; boiler of steel, 9-16ths of an inch thick, 9x15, which is placed on deck. Her engine and boiler were built by the Montague iron works. Her main keelson is 12x12, rider keelsons 10x10, with 12 inch bolts through every frame. Floor 3 inches thick, bilge two strakes 5 inches, two 6 inches, two 5 inches edge-bolted between every frame; ceiling 4 inches thick all key scarfed; clamps 42 inches wide, 5 inches thick, edge-bolted between every frame, shelf pieces 36 inches wide, 5 inches thick, edge-bolted; deck frames 10x10, 13 inches from center and a knee under every beam and carling; stanchions under beams 8x8; stringers under beams 4x12, notched in to stanchions and bolted through the stanchions and rivited, up and down bolts through the stringers, 3 breast hooks forward all kneed, one pointer 8x12, 2 breast hooks aft kneed, 2 pointers on each side aft running from the keelson up to the shelf pieces, combing beds 8x10. She is square fastened through and through, bulwarks 3 inches thick on inside, rail 5x16, keel 7x13, garboard strake 5x14 edge-bolted through the keel between every frame; bottom planking 3½ inches thick, bilge 7 strakes of 4 inch plank, sides 3½ inches as far as plank sheer, from plank sheer up 3 inches, one strake under rail 4 inches thick notched into every frame. She has an iron cord 5x¾ running under rail all around. She is diagonally iron strapped, which are rivited through the cord fitted into the frames and run under her bilge and are bolted through every flitch. Her deck is of 3 inch white plank. Her cabin accommodation is excellent and she is a very good looking steambarge. She is supplied with the American Ship Windlass Co's capstans fore and aft and has excellent anchors and chains and is very complete in all her outfit.

WILLIAMS.

EAST SAGINAW.

Special to the Marine Record.

The barge Nellie Mason, which went to pieces at Presque Isle, was owned by Burt of East Saginaw, was valued at $25,000, and insured for $20,000 in the hull pool.

The past week has been the busiest along the docks this season. More vesselmen were seen at this port than for years, at any one time. Men for loading were at a premium. Scabs and all had all they could do. But now it is just the reverse, not a single vessel could be seen loading. All the arrivals here have concluded to lay up, and as one old timer said. "I am here and so is my boat. I have made money enough, and guess I wont be greedy as some of my old friends have been and lost their boats and many lives.

Captain L. F. Hunt, arrived in Monday, with the propeller R. Martini, with coal for Morley, Ewen & Co. The Martini will lay up here.

Quite a number of barges have already gone into winter quarters and a freeze up may be looked for most any time, although some say we are to have very late closing.

The water in Saginaw river was the lowest on Monday that has ever been known being 2½ feet below the usual stage. The tug Roy was unable to get above the Bristol street bridge.

The steambarge Minneapolis ran into the schooner Rosa Sonsmith in the Sault river on Thursday night, cutting her down to the transom. The Sonsmith is bound down with ore in tow of the steamer C. H. Green and is now awaiting a permit from the underwriters to continue her journey. Relative to the collision a dispatch from Sault ste Marie stated that the Sonsmith was only saved from sinking by shifting the cargo. The schooner is in the steamer C. H. Green's tow and it appears that the latter part of the present season, which has been an unusually profitable one, is an unlucky one for the fleet in Sault river.

Owing to the scarcity of cars the Hill & Caskey Lumber Co., are loading 1,000,000 feet of lumber onto vessels and shipped the same to Cleveland, where it will be transferred on cars to be shipped to Ohio and Pennsylvania points. The firm have closed down their planing mill here, having a quarter of a million feet of lumber on flat cars waiting to be delivered and transferred to box cars for the east.

Captain E. S. Pease, of this city who saved the Samuel J. Tilden from the bottom of St. Clair river, will make from $8,000 to $10,000 by the operation. By the sale of ore taken from the boat the Tilden was clear when she reached the drydock. Captain Pease was offered $8,000 for the boat before any repairs were made. He will put her in first class condition and probably realize $10,000 for his summer's work over and above all expenses. Those who laughed at him when the undertaking was commenced now regret not having his courage.

Zack Lapham, has taken command of the barge B. M. Baker. Captain McKay resigned.

The Boom company's tugs Robt. Weideman, J. P. Logie and Little Giant were taken to Bay City Monday, where they go into Wheeler's drydock for an entire rebuild.

The barge Eliza is to have a new bow and other repairs during the winter.

The steamer Hattie Brown has been hauled out, and will be entirely rebuilt. Her hull will be lengthened and widened a new engine will replace the old one and she will hardly know herself, so says the owner.

The Peter Chamberlain and tow make one more trip to Ohio ports and will probably lay up at Port Huron.

SHAW.

If Senator Frye would aid in the revival of American shipping, and we have no doubt of his sincerity, it would be prudent to stick to the lines of the American shipping league. his remarks at Boston were too sweeping. Let the "surplus" alone—that will take care of itself, and it is a handy thing to have about. Encouragement of and justice to American enterprise is what we want. These gained, the "surplus" will continue to increase--and we'll want it yet for a cold day.—*New York Nautical Gazette.*

The tug J. H. Welsh, which went ashore a few miles west of Erie last week, has b en abandoned. Her machinery will be taken out. Owned by M. Aichle, and worth $3,000.

THE MOST INTERESTING MARINE NEWS,

Concerning directly every sailor after navigation closes is how most advantageously, to invest his hard-earned money Flannel garments being mostly wanted before any other, to give the body an equal temperature, and absorb the perspiration, it becomes necessary to purchase pure woolen fabrics. We, the unersigned, Kohn & Co., of Boston Dry Goods Store, 213 Detroit st., near corner Pearl, Cleveland, O., established since 1866 in this city, have made the manufacturing of *Flannel, Cassimere, Waterproof Shirts*, scarlet *Undershirts* and *Drawers* a specialty, to be sold direct to consumers. Therefore, we are *the only Retailers* in this city who make genuine *home-made Shirts*, 52-inches wide, 36 to 40 inches long, extraordinarily well sewed, or make them *to order* according to the taste of the Customer *without extra charge* Remember this! We are also constantly prepared to meet the wants of the Vessel trade in the supply of *Comfortables, Blankets, Table linens, Sheets* for bunks, *Pillow-cases, etc* or any necessary equipments for bedding, which we also *sew to order at shortest notice.* The *Custom merchant tailoring department* connected with our establishment, and conducted by our son, Jo. L. Kohn, a tailor and cutter, furnishes the nobbiest *Dress, Evening or Business Suit* from $8 to $10 less than any merchant tailoring establishment, for he saves the expense of *extra Rent* and the employ of an *extra cutter*—all done to advertise himself. Kohn & Co., 213 Detroit st., near corner Pearl.

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Two Steeple Compound Marine Engines, Cylinders 12 and 20 by 16 stroke.

These are under construction and can be completed on short notice. Will furnish BOILERS with these if desired. For prices, etc., address

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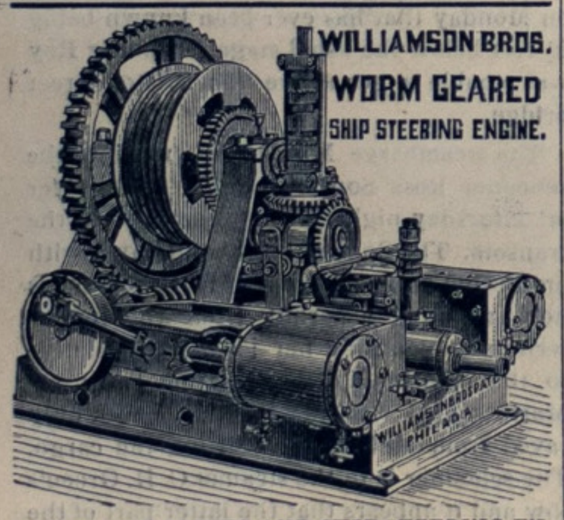

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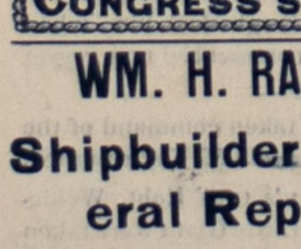

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Commencing Monday, May 16, 1887. The time given in the figures below is the new standard (Ninetieth meridian) time, which is thirty-three minutes slower than Cleveland time proper.

Eastward.	Arrive.	Depart.
No 4, Fast Limited Express	*2 55 A M	*2 55 A M
No 8, N. Y. B & A Express	*8 30 A M	*8 55 A M
No 26, Elyria Accommodation	†7 45 A M	.....
No 24, Buffalo Ac'm via Sandusky	†10 05 A M	†10 15 A M
No 24, Toledo Accom via Norwalk	†10 05 A M	†10 15 A M
No. 10, New York & Boston, "Flyer"	.....	*11 35 A M
No 12, N Y & B Fast Express	*2 20 P M	2* 45 P M
No 2, Night Ex via Norwalk	9 40 P M	†10 00 P M
No 22, Night Ex via Sandusky	†9 40 P M	.....
No 26, Conneaut Accommodation	†4 25 P M	.....

Westward.	Arrive.	Depart.
No 1, Fast Limited Express	*12 15 A M	*12 15 A M
No. 23, Cleveland Express	*2 15 A M	
No 3, Chicago Express via "	§5 20 A M	5 35 A M
No 25, Mich Accom Norwalk	.....	†5 35 A M
No 21, Toledo Ex via Norwalk	†12 50 P M	†3 20 P M
No 5, St Louis Ex via Sandusky	*10 50 A M	*10 55 A M
No 9, Chi Pac Ex via Norwalk	*6 15 P M	*6 40 P M
No 31, Elyria ac to Elyria only	.....	†4 30 P M
No 27, Conneaut Accommodation	†8 10 A M	.....

Sunday train for Nottingham—Depart 8:15 a. m. and 1:45 p. m.; returning, leave Nottingham at 8:50 a. m. and 3:45 p. m.

Reference marks—* Daily, † daily, except Sunday, § daily, except Monday.

A local Cleveland and New York sleeper, also sleeper for Boston, and dining car daily on No. 10, leaving Cleveland at 11 35 A M.; arrive Grand Central depot, New York, 7.30 a. m.

For full information as to trains and connections apply at the Union ticket office, corner Bank and Superior streets, under Mercantile Bank.

M. E GAUL, City Passenger Agent.
A. J. SMITH, Gen'l Pass. Agt., Lake Shore Block

Fleet of the Cleveland Transportation Co. for Sale.

BY A RESOLUTION OF THE BOARD OF Directors of the Cleveland Transportation Co., it has been decided to close up the affairs of the Company and sell its property.

The following fleet of Steam Barge and Schooner Consorts are offered for sale. They will be sold as a fleet, or in couples, but not separately, excepting the schooner "Genoa:"

Steamer SPARTA, actual cargo 1,500 net tons on 15 ft. draft.

Schooner SUMATRA, actual cargo 1,650 net tons, on 14 ft. 3 in. draft.

Steamer HAVANA, actual cargo 1,500 net tons, on 15 ft. draft.

Schooner HELENA, actual cargo 1,650 net tons, on 14 ft. 3 in. draft.

Steamer VIENNA, actual cargo 1,450 net tons, on 15 ft. draft.

Schooner VERONA, actual cargo 1,470 net tons, on 13 ft. 10 in. draft.

Schooner GENOA, actual cargo 1,430 net tons, on 13 ft. 6 in. draft.

These vessels are all in A1 condition both in hull, machinery and boilers. Full and complete repairs were made in winter of '85-86 at a cost of $41.000. They all rate A2, and when inspected in 1886, the inspector said, these vessels are in fine condition, and will hold this rate (A2) for the ext ten years.

The Schooner Consorts are full rigged and fully able to sail without towing.

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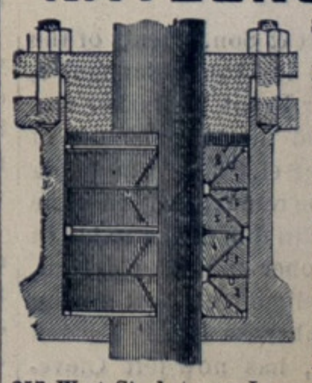

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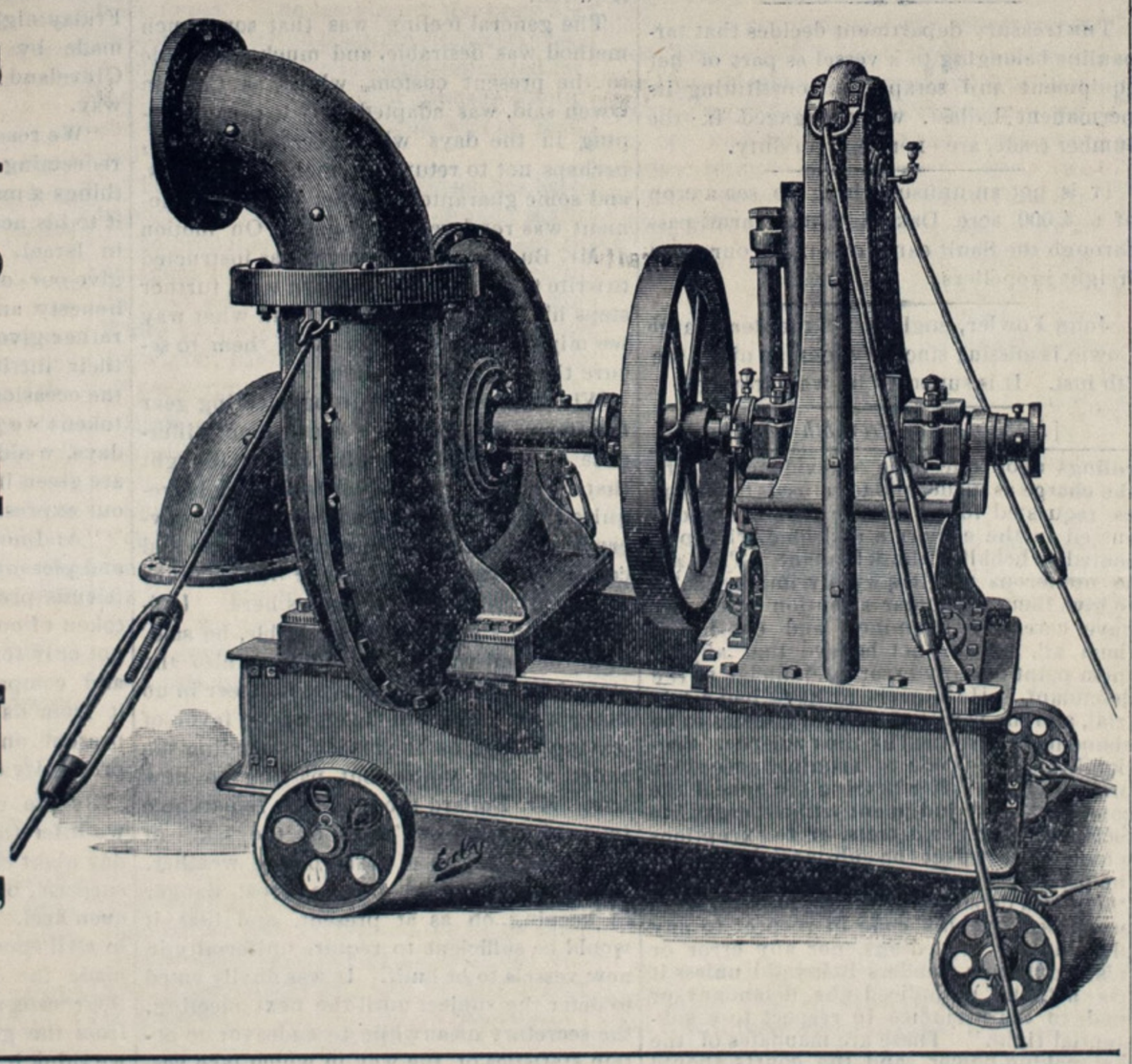

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Marine Record.

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Subscribers and others are respectfully invited to use the columns of the MARINE RECORD for the discussion of pertinent topics.

Entered at the Post Office at Cleveland as second-class mail matter.

CLEVELAND, O., THURSDAY, NOV. 10.

ARE VESSEL OWNERS INDIFFERENT TO THEIR OWN INTERESTS?

There was a meeting of the Lake Carriers' Association at Buffalo on Monday, the 7th inst. This meeting was widely advertised and individual notices were sent to each member of the association but for some reason there was not a full meeting.

Only one manager from outside Buffalo, Captain Owen, of Chicago, was present, but what is far worse, only two sent in their views as asked on the respective questions. It does seem strange that, with important subjects like these, it should be so hard to get men to take a little personal trouble about them. If the managers would generally send in their views a very valuable consensus of opinion could be secured, and the members of the board present would know whether or not their own opinions properly represented the general feeling around the lakes. The Lake Carriers' Association have the mechanism for concentrating and voicing the ideas of vessel men on lake subjects, and it is a pity that indifference should prevent it from having its due effect. The men who do not write doubtless think either that all the others will and that their ideas will not be needed; or, that the subjects are such that their views can be easily inferred. But a brief expression of opinion on each topic from each manager would be of great value.

It is possible, however, that after the busy season is passed and vessel men have time to absent themselves from their business the meetings will be better attended and with more expression of opinion will be conducive of more good. There will be many subjects of interest brought up this winter before congress, and the supervising inspectors, who meet but once a year, will consider other questions over which they have jurisdiction. It should, therefore, be apparent to all that a full expression of views should be had on all pertinent topics so that Secretary Almy may have opportunity to incorporate them in his schedule of matter of importance to lake interests to be brought before the respective authorities at the close of the season.

THERE are now engaged in the commerce of the lakes 1900 American vessels. They represent an investment of $41,000,000 capital. Many of these vessels are of sufficient capacity to carry at a single trip the grain that would load fifty-five freight trains of thirty cars each with over 600 bushels per car.

WE are eager to thank Francis Almy, secretary of the Lake Carriers' Association, for a copy of the official report of the proceedings of the waterways convention, held at Sault ste Marie on the 20th of July. This pamphlet is replete with statistics relative to the commerce of Lake Superior, and has maps and diagrams showing the great importance of the Sault ste Marie Falls canal. The memorial to congress, presented by George H. Ely, of Cleveland, is a masterpiece and should in itself induce congress to vote the funds asked for to complete the improvements necessary to accommodate this vast traffic. In this pamphlet is contained a paper prepared by Secretary Almy, of the Lake Carriers' Association, to Congressman John M. Farquhar, showing the present condition and the growth of the commerce from Lake Superior to the lower lakes.

REFERRING to a notice to mariners, issued in 1885, reporting a rock with twelve feet of water near the light station on Clapperton island, north channel, in the district of Algoma, Ontario, (now known as Robertson Rock), Staff Commander Boulton, R. N., now reports as little as eight feet of water upon the rock. To avoid this obstruction the north shore of Clapperton island should be kept close on board. All bearings are magnetic, and are given from seaward, miles are nautical miles, heights are above high water, and all depths are at mean low water. Pilots, masters, or others interested, are earnestly requested to send information of dangers, changes in aids of navigation, notices of new shoals or channels, errors in publications, or any other facts affecting the navigation of Canadian waters, to the deputy minister of marine, Ottawa, Canada.

FOR the week ending Tuesday, the shipments from Lake Superior mines amounted to but 94,702 gross tons, of which total 16,609 tons went forward from Marquette, 44,680 tons from Escanaba, 1,186 tons from St. Ignace, 22,452 tons from Ashland, Wis., and 10,315 tons from Two Harbors, Minn. The grand total of lake shipments to date of the 2d inst., was 4,114,926 tons, the gain of the shipments at the same date last year being 865,234 tons. The shipments by ports to date this season are as follows: Marquette, 757,016 tons; Escanaba, 1,891,217 tons; St. Ignace, 88,116 tons; Ashland, Wis., 1,010,488 tons; Two Harbors, Minn, 368,089 tons. Total, 4,114,926. By ranges, the shipments have been as follows: Marquette range, 1,653,424 tons; Menominee range, 1,042,438 tons; Gogebic range, 1,050,975 tons; Vermillion range, 368,089 tons.

THE future of the business of Lake Superior and the entire inadequacy of the Sault canal to accommodate it is apparent. This is significant and should attract the attention of our lake shore congressmen. They should push the improvement of the Sault canal with great vigor, and have the entire sum required voted in a lump.

THE treasury department decides that tarpaulins belonging to a vessel as part of her equipment and scrap iron constituting its permanent ballast, when engaged in the lumber trade, are exempt from duty.

IT is not an unusual thing to see a crop of a 4,000 acre Dakota wheat farm pass through the Sault canal on one of our great freight propellers.

John Fowler, engineer on the steambarge Cowie, is missing since Wednesday night the 2th inst. It is supposed he was drowned.

[*Maritime Law from 5th Page.*]

rulings upon questions of evidence and to the charge as made, and to refusals to charge as requested found in the record and discussed in the elaborate and able brief presented on behalf of the defendant. They are so numerous that it is wholly impracticable to give them particular attention here. We have carefully examined and considered them all, and do not believe that any of them point out any error prejudicial to the defendant. He appears to have had a fair trial, and the verdict of the jury seems to be abundantly sustained by the evidence. Section 542 of the code of criminal procedure provides that, "after hearing the appeal the court must give judgment without regard to technical errors or defects, or to exceptions which do not affect the substantial rights of the parties;" and section 684 provides that "neither a departure from the form or mode prescribed by this code in respect to any pleadings or procedings, nor any error or mistake therein, renders it invalid unless it has actually prejudiced the defendant or tends to his prejudice in respect to a substantial right." These are mandates of the law-making power, and the courts should with reason and discretion give them full force and effect. Giving them the observance due in this case, we find no exception in the record showing that the defendant has been prejudiced in respect to any substantial right.

The judgment of the general term should, therefore, be reversed and that of the oyer and terminer affirmed. All concur.

October 1, 1887.

LAKE CARRIERS' ASSOCIATION,

TO CONSIDER AND TAKE ACTION UPON ALL GENERAL QUESTIONS RELATING TO THE NAVIGATION AND CARRYING BUSINESS OF THE GREAT LAKES AND THE WATERS TRIBUTARY THERETO, WITH THE INTENT TO IMPROVE THE CHARCTER OF THE SERVICE RENDERED TO THE PUBLIC. TO PROTECT THE COMMON INTEREST OF LAKE CARRIERS, AND PROMOTE THEIR GENERAL WELFARE.

THIS ASSOCIATION WILL NOT ATTEMPT TO CONTROL OR REGULATE LAKE FREIGHTS.

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MARINE RECORD—OFFICIAL PAPER.

BUFFALO, November 8, 1887.

At the meeting of the board of managers of the Lake Carriers' Association, held at Buffalo, on the 7th inst., a number of important subjects came up for discussion, but, owing to the poor representation, little definite action was taken.

On motion of Captain Ira H. Owen, of Chicago, a resolution was passed, approving the establishment by the government of a harbor of refuge at Grand Marais, Mich., and urging an appropriation of $200,000 for the purpose. The secretary was instructed to send copies of the resolution to the secretary of war, to the senators and representatives from lake districts, and to other interested persons.

It was also voted that masters and owners of vessels be requested to report promptly to the secretary of the association any neglect of duty on the part of government employes at lighthouse or fog whistle stations, and also any failure on the part of passing vessels to properly answer signals: with a view to improving the character of the lake service, and protecting the common interests.

The present libel law system was discussed, and the suggestion of Mr. A. C. Cheney, president of the national board of steam navigation, New York, to the effect that claimants might be allowed to file liens against a vessel just as a mechanic files a lien against a house; such liens to take precedence in the order in which they are filed at the custom house where the vessel is registered. After judgment upon such claim the United States marshal to take possession of the vessels in any port, and sell her if the judgment is not promptly satisfied. The lien to follow the vessel, and, for large claims, insurance to be, perhaps, required.

The general feeling was that some such method was desirable, and much preferable to the present custom, which, as Captain Owen said, was adapted only to ocean shipping in the days when a vessel left port, perhaps not to return for months or years, and some guarantee against delayed settlement was rendered necessary. On motion of Mr. Bullard, the secretary was instructed to write to Mr. Cheney to learn what further steps his board had taken, and in what way we might best co-operate with them to secure the needed legislation.

With reference to the proper steering gear for steam vessels, there was some difference of opinion. Captain Henry thought that all vessels on the lakes should be required to steer as do the United States government vessels, and those in the ocean and coastwise trade; namely, in the manner customary with sailing vessels here. Uniformity in steering was desirable, he said, and the sail vessels, and, indeed, also the steambarges carrying sails, could steer in no other way. Captain Owen was in favor of leaving things as at present, rescinding the order of last winter, but passing no new one. Mr. Bullard thought the remarkable immunity from collisions on the lakes of late years, in spite of unfavorable weather, proved there could be no great danger in keeping on as at present, and that it would be sufficient to require uniformity in new vessels to be built. It was finally voted to defer the subject until the next meeting, the secretary meanwhile to endeavor to obtain statistics of the way in which lake vessels are now steered, and the preferences of vessel owners around the lakes.

The topic of the Duluth range lights was tabled, it being understood that local action was being taken on the subject, and the feeling being that this association should act in the matter only if called upon to do so.

A suggestion from Mr. H. M. Hanna, one of the Cleveland managers of the association, was read, to the effect that the association might properly take action calling for the establishment of a lighthouse on the Rock of Ages, off the west end of Isle Royale, Lake Superior. The subject was deferred to the next meeting, the secretary being instructed, meanwhile, to ask fuller information from Mr. Hanna, and a formal resolution.

Letters were also read from Hon. Geo. W. Gardner, chairman of committees of the Cleveland board of trade and Cleveland board of industry, (one hundred business men), and from X. X. Crum, secretary of the latter body, asking the Lake Carriers' Association to join them in urging upon the government the importance of so changing the plans for the east arm of the breakwater now being constructed at the city of Cleveland as to provide harbor space adequate for the necessities of their large and increasing commerce. The secretary was instructed to draft a resolution, to be submitted to the board of managers at its next meeting.

As the meeting closed a telegram was received from Captain Thomas Wilson, of Cleveland, asking the association to take action to have the buoys left in the Sault ste Marie river until it freeezs up, or until all vessels are through. By authority from the president (Mr. Caldwell), the secretary wrote to Commander Clark, of Detroit, inspector of the 11th lighthouse district, urging that the permanent buoys be so left if possible, and suggesting that it seemed to the association hard to justify on any grounds of economy, the subtitution of make-shift buoys at this dangerous season of the year.

Another meeting will be called as soon as the subjects left open as above are in shape for consideration and action.

FRANCIS ALMY, Secretary.

THE SATURDAY NIGHT CLUB.

It is not necessary to say here who compose the Saturday night club, but it is necessary to print some of the rules regulating it. The principal one is that if any member absents himself from a regular meeting he is fined $5. This rule, in time, would become very arbitrary and expensive if it were not for the fact that the ceremonies attending the proceedings of each meeting are very enticing.

At the last meeting of the club one of the members was absent. The others at once set to work to punish him for dereliction, and he has not yet recovered. We refer to Thomas Quayle. The inscription on the cane read as follows:

THOMAS E. QUAYLE,
FROM THE
SATURDAY NIGHT CLUB,
1887.

It is not necessary to say, then, who was the delinquent, or to whom the elegant gold-headed ebony cane was presented last Friday night. The presentation speech was made by Frank Wright, manager of the Cleveland Drydock Co., in his usually happy way.

"We read in the book of Ruth concerning redeeming and changing, that to confirm all things a man plucked off his shoe and gave it to his neighbor, and this was a testimony in Israel. In this day and age we do not give our old shoes in confirmation of the honesty and sincerity of our purpose, but rather give tokens that may be kept, not for their intrinsic value, but as memorials of the occasions that called them forth. These tokens we give, usually, on birthdays, holidays, wedding anniversaries, etc., and they are given in confirmation of the sincerity of our expressions of regard.

"And now, Mr. Quayle, I have the honor and pleasure of presenting you, in behalf of friends present, with this cane, as a slight token of our appreciation and kindly regard, not only for you as a man, but as a friend and companion. You will please accept it from us with our best wishes for the present and future peace, happiness, and prosperity of yourself and yours."

By the response of Mr. Thomas Quayle we infer that this graceful act of the Saturday night club was a perfect and pleasurable surprise, but it did not throw him off an even keel. He replied to the presentation in well chosen and appropriate words which made the donors know that the token of their esteem was highly appreciated, and from the great pleasure every one enjoyed we think it safe to say that there will soon be a corner in canes.

As far as the MARINE RECORD man could discover the accomplished wife of Thomas Quayle knew more about this pleasant affair than did the great shipbuilder, and this was evidenced by the fact that a complete banquet had been prepared for the visitors, and Mr. Thomas had been obliged to possess his stom-

ach with patience until the visitors arrived, but he and the others were afterward amply repaid for their abstinence, and it is our pleasure to say that no better enjoyment could have been provided than that set before the guests by Mrs. Quayle, who is a daughter of Captain Gail. In fact, it was so complete that Captain Bartow, who was never known to betray his lymphatic temperament, recited the following couplet:

Tqnm nohl dqus mter sklu vum,
Krux qnin lumy wox b'ty yru sum
Bartower uvir yox liny cum
Ank ric unky woc vos muc lum.

After this the genius of the entire party sought expression. Mr. Smith, John, sang a duet with George Saal's son, accompanied on the piano by Mr. Quayle's accomplished daughter, Messrs. Wm. Ward and John Thomson sung "Coming Thro' the Rye," and Mr. Jackson and the MARINE RECORD man danced the Highland fling. After beautiful classic music by Miss Quayle and many expressions of good feeling from all, the party broke up and every one lives to tell the tale.

Around the Lakes Continued from 1st Page.]

BUFFALO.

The schooner John Breden appears to be the first to lay up at this port. She will strip at once. A vessel man predicts that in fifteen days schooners will be laid up very generally. As soon as the ore freezes in the pockets there is going to be a general rush for grain and there is not half enough to supply the fleet.

The drydock strike appears to have developed nothing in particular. A drydock man gives his idea of the fight in this way: "Here are 450 men paying $7,000 a week for their support just to keep twelve men out of a job, and they are not gaining their point either."

Mr. S. V. Parsons will look after the Mills and Sherman at Bay City as soon as he is through with the Maumee Valley at Sarnia.

Another step has been taken in the Crosby & Dimick marine insurance fight by the beginning of a suit against Dimick for $116,000 by Thames & Mersey, for alleged breach of contract, etc.

Manager Evans, of the Anchor line, after examining the propeller Delaware, thinks she can be repaired for less than $10,000. About half of her cargo will be saved dry.

A meeting of the Lake Carriers' Association Monday took up many important matters. The law on libel was condemned and Secretary Almy was instructed to correspond with the national board of steam navigation at New York, for concerted action. It was left undecided whether it was expedient to further oppope the suspended order in relation to uniform steering gear. The secretary will obtain the opinion of vessel owners. A harbor of refuge at Grand Marais, to cost $200,000, was favored. Masters of vessels were asked to report to the association cases of neglect on the part of government officials. The secretary was instructed to write to Commander Cook, at Detroit, and ask a continuance of buoys in Sault river for some time.

The schooner L. Seaton was towed here from Grand River, and will be put into drydock. The schooner has been released from her libel by the schooner S. Neelon, her owners finding that the Seaton was not to blame for the collision in which she was sunk.

The propeller United Lumberman, on her way to Tonawanda with lumber, struck bottom twice. At the red can buoy in the Emerald channel she struck and was set leaking, and again below the water-works crib she stove a hole in her port bow and began to leak. The propeller made haste and on reaching Tonawanda was drawing fifteen feet, having settled down two feet. She was unloaded, however, all right, and went into drydock.

PORT HURON.

Special to the Marine Record.

The tug Sumner arrived down with the propeller Arctic and schooner Ayer. The Ayer stopped here for repairs and the Arctic went on to Detroit.

J. W. Thomson purchased the cargo of wet corn out of the schooner Cooper.

The steambarge Sawyer has received a new boiler at the Phœnix Iron Works and is also in Dunford & Alverson's dock, receiving some repairs.

The schooner Austin finished her repairs and loaded hay for Escanaba at St. Clair.

Captain F. Dangers was in town on his last trip up, his boat having stopped here.

The schooner R. Halleran is at the shipyard, getting a new fore topmast and bowsprit, having lost them in a squall on Lake Erie.

The Tilden is in the drydock and is all right. Mr. Pease has got a bonanza if he ever had.

The Homer stopped here for a new bow sprit at the Wolverine yard. Barges Laura and McRea were here receiving some repairs, after being out in the last storm.

The Sumner arrived down with schooner Mineral State. It took two steam pumps to keep her clear. She will unload the balance of the plaster and go in Dunford & Alverson's dock for repairs.

Captain George McLeod is here on a business trip.

The weather is very smoky. Steamers find it a hard task to find the river. The Kalkaska struck a spile, used to raise the Tilden. Vessels and steamers should keep the Canadian side best aboard when bound up.

There has been a great deal said in this port about what they would have done had they been on the Superior when she passed the poor fellows on the raft from the steamer Vernon. Now, it is all right to say what they would do had they been there. They were not there, but were in Port Huron, in a good warm bed, when the crew of the Superior were doing all they could to keep their own boat from going to the bottom. Don't be too hard on the captain of the Superior. You may be placed in the same position some time, and then you will choke with fear. JAY.

BAY CITY.

Special to the Marine Record.

The schooner Alice M. Norris was in drydock for repairs to her bottom, having got into trouble on Thunder Bay a few days ago.

The barge H. W. Hoag which had such a terrible experience on Lake Erie some time ago is again in trouble. It seems she was temporarily repaired and brought to Saginaw, where she loaded and started to tow down. She struck the Wylie Bar and was hard aground two days. The tug Jas. Hay, in pulling her off, opened her up so badly that she had to take off most of her cargo and go into drydock before she could proceed on her journey.

Captain Richard Armstrong offers the Saginaw end of his fire boat business for sale, he having all he can attend to at this end of the river.

The steamer Lucile left Saturday for Escanaba, having repaired the break in her machinery.

The can buoy and stakes will be brought in from the mouth of the river on the 10th.

One of the sailors of the barge Nellie Mason arrived in port Thursday and report the boat a complete wreck. The crew suffered terribly before being rescued by the life saving crew. When the captain was taken ashore he was in his stocking feet and had to use a table-cloth as a covering for his head. When the stockings of the captain and his wife were removed the flesh came off with them. The sailor gives great praise to Mr. Gordon, the owner, who aided the sufferers financially and otherwise.

It is now over two weeks since the barge Dolphin went down, and not a single piece of wreck to mark her last resting place has been found. The families of the crew are most of them left in destitute circumstances. A subscription paper is being circulated for the relief of Captain Gerrett Johnson's wife, and no doubt a handsome sum will be realized for that purpose.

The propeller Don M. Dickinson has been in port nearly a week with a broken shaft.

The propeller Laketon, owned by Captain Sprague, of this city, which lies buried in the sand on the beach, forty miles west of White Fish Point, has been abandonod for the winter, having been stripped and a part of her cargo of lumbermen' supplies saved.

Harry Shaw has chartered the barge Eliza and will use her as a lighter for the balance of the season.

Captain Jas. Cole, of the barge C. L. Young, in paying off his men, gave one of them, by mistake, a $20 bill for $1, which the latter refused to return, and in consequence was arrested, charged with larceny, found guilty, and had to pay a fine of $10 and costs and give the money back.

SHAW.

MARYSVILLE.

Special to the Marine Record.

Marysville is doing a rushing business. The propeller J. E. Mills and schooner Pelton are loading lumber for Cleveland, the barge Bahama, is loading deck plank for Bay City, propeller Point Abino, hay and upplies for Rifle river; and the barge Mary Amelia, chains and rafting kit for Rifle river. This is the largest fleet that has loaded here this season. ELLERLY.

DULUTH.

Wheat rate, 7½c from Duluth and 8c from Washburn. The Fayette Brown and Yakima take the last load of wheat from Washburn for the season Tuesday. Ore shipments for Two Harbors will probably be completed this week or early next week as soon as the Wilson line contract for 388,000 tons is filled. There are yet about 12,000 tons to go out and it is all on the docks waiting for vessels.

SAND BEACH.

Special to the Marine Record.

The propeller Osceola of Ward's Lake Superior line went ashore Monday night in a thick fog near Port Austin, and has thrown over a part of her cargo.

The following vessels sheltered here during the gales of the past week:

On November 1st R. J. Hackett and one, Ohio, Nebraska, Belle Wilson, J. W. Westcott and one, W. B. Castle, Araxes and two, schooners Hartford and Seabird. November 2nd, Ira Chaffee and one, Justice Field and four, O. W. Cheeney and two, Canisteo and two, Gladiator, Mary Pringle and one, and propeller Niagara. November 3rd, City of Concordand one, Oswegatchie, M. F. Merrick and Warrington. November 4th City of Mt. Clemens and one, Geo. N. Brady and three, S. J. Macy and two, Badger State, Schoolcraft, E. K. Roberts, schooners Sippiean Mary Hattie, Corsican, Lottie Wolf, J. R. Noyes, I. N. Carter and E. J. McVea.

The month of October, just past has downed the record of any one month in the history of the harbor. Just an even four hundred lake craft sought shelter in the harbor; the month of October 1886, only 286 craft sheltered here. LUFF.

DETROIT.

The great railway ferry steamer, which is being built at the Detroit drydock for the Michigan Central and the Duluth, South Shore & Atlantic, will be ready to launch January 1st. She will be called the St. Ignace.

The tug Daisy Lee caught fire and burned to the water's edge while towing a barge. She was owned by Geo. P. Felcher and commanded by his son, Captain Geo. H. Felcher. She was valued at $3,500 and partly insured.

It is now certain that the schooner Venus, Captain James Thompson, was the schooner seen to founder in Thunder Bay some time ago and that all hands were lost. She had a cargo of grindstons from Grindstone Island for Milwaukee. The Venus, was insured for only a small amount, $1,100. The names of other officers and members of the crew are as follows: Peter Nelson mate, John Nelson brother of the mate, and Anton Bierk, before the mast. The name of the cook is unknown. Six persons in all were drowned.

The Leviathan abandoned the schooner Nellie Mason with her cargo, 500,000 feet lumber, as a total loss. Pumps failed to lower the water in her hold, and as she lies on big boulders, it is thought her bottom is all gone. Her hull above the water line is apparently in good shape, but north and easterly winds will break her up completely, as she is badly exposed.

DESERONTO.

Last week the new steel passenger steamer Cibola was launched. This is the steamer on which work was commenced one year ago. Her carrying capacity is estimated at 1,500 persons, and, for the route between Niagara and Toronto, on which she will be placed she is not at all too large. She is worth over $50,000 and is beautifully furnished. The Hon. Mackenzie Bowell and a party of twenty-five arrived from Toronto on a special car and watched the craft take her maiden plunge in the water. Over two thousand people including many from Toronto, Belleville, Picton, Napanee were in attendance. Everything passed off well, not an accident of any kind happening. Speeches were made by several gentlemen. The steamer was christened by a Toronto lady.

KINGSTON.

The schooner Bessie Berwick, wheat laden, from Port Arthur for Kingston, is a week overdue at Sault ste Marie, and it is believed she has gone down with all hands. Captain Thomas Avery, and O. Gallagher, Thomas Gallagher, and C. Dacey, seamen, all of St. Catharines, were among the crew. R. O. McKay, of this city, is the owner of the schooner.

ASHTABULA.

Latest reports from the schooner James F. Joy are that her spars have fallen out and that her upper works are all washed away to the water's edge. In this condition, as little of her can be seen, she is becoming a dangerous obstruction to vessels entering Ashtabula harbor. Vessels destined for that port are cautioned not to enter the harbor too near on a line with the east pier.

OTTAWA.

So much has been definitely settled respecting the new Sault canal that it is stated that it will fully equal in capacity the canal on the American side of the river. As soon as the plans are ready and tenders let, the work will be rushed.

ST. CLAIR.

Some time ago the owners of the steamer Mary were given judgment against the Herreshoff Manufacturing Co., for a poor boiler put in the Mary. The judgment was for $9,166 66. Shortly after the decision the eastern firm petitioned for a new trial.

MARQUETTE.

The scow William Moore and lighter, driven ashore while working on the schooner Plymouth have broken up. The lighter is a total loss and the Moore probably the same. The Moore was valued at $6,000 and an effort will be made to patch her up. The lighter was worth $5,000. Both were owned by C. Hebard & Son of L'Anse. Thomas Carpenter, the captain of the Moore, who was injured when she went ashore, has been given up by the doctors.

The schooner St. Lawrence sailed in from Portage entry light and leaking. She was to load stone at the quarries there, but as the first block was swung over the hatchway the chains broke and the huge mass crushed down into the hold, opening the vessel's seams by the blow. A diver here will stop the leaks and the St. Lawrence get a load of ore down.

A diver stopped a big hole in the Alva Bradley today and one pump now keeps the water down. The other two will be taken off. With the exception of the big hole mentioned, the diver reports her bottom in fair condition.

Later advices say that the wreckers abandoned the Plymouth. A terrific sea coming up from the northwest drove them off. They have given up the schooner as a total loss and they are afraid she will not hold together until the pumps are taken off. Her bottom is all gone.

SAULT STE. MARIE.

The steambarge M. B. Grover has locked down with a broken wheel. It is undecided whether she will go to Milwaukee for dry-dock repairs or wait a steambarge of the Bradley fleet to tow her to Duluth. She is a new boat and loaded with 2,100 tons of coal. As there is no insurance on her, Captain Stone deems it unadvisable to proceed to Duluth without assistance.

RACINE.

The schooner Commerce, of Chicago, struck Racine reef last night and came near going to the bottom. She is loaded with 39,000 bushels of oats for Sarnia, and was towed into port with six feet of water in her hold and sunk. The cargo is about one-third damaged and is insured The vessel is also insured for $10,000.

TOLEDO.

A new order of things has gone into effect along the docks, and that is the fixing of sailors' wages at a stated sum for the trip, regardless of the number of days they are out. The union has published the following schedule: To Buffalo, $20; to Oswego, $35; to Ogdensburg, $40. Vessel owners do not like it, as frequently the run to Buffalo is made in from 24 to 48 hours in the fall.

SUSPENSION OF LICENSE.

CIRCULAR DEFINING TERM OF SUSPENSION OF REVOCATION OF STEAMBOAT OFFICERS' LICENSES.

TREASURY DEPARTMENT, OFFICE SUP'R-VISING INSPECT'R-GEN'L ST'M VESSELS, WASHINGTON, D. C., September 15,

To Supervising and Local Inspectors of Steam Vessels:

The solicitors of the treasury having rendered an opinion upon the powers conferred upon local inspectors of steam-vessels under section 4450, Revised Statutes of the United States, contrary to that held and practiced by the officers of the inspection-service, they are directed hereafter to conform to the solicitor's opinion, which is, that inspectors cannot legally suspend or revoke an officer's license beyond the time for which the license was issued. In cases of investigation of an officer for misconduct while acting under an unexpired license, but which license shall expire previous to the conclusion of the investigation, the duties of the inspectors in the case will be concluded by referring the case to the United States district attorney for prosecution for recovery of the penalties provided by law, if such are provided for the misconduct charged.

Officers whose licenses have been revoked, or whose licenses have been suspended pending the whole unexpired term of the license, are entitled to a re-examination for reinstatement after the expiration of such term, and should in no case be denied reinstatement except for reasons that would have debarred them from an original license, which reasons must be furnished the applicant in writing, and a copy of the same retained upon the inspector's official records.

JAS. A. DUMONT,
Supervising Inspector-General.

Approved:
HUGH S. THOMPSON, Acting Secretary.

A DANGEROUS GUST.

A white squal is one which produces no diminution of light. This furious and dangerous gust appears in clear weather without any other warning than the white foam it occasions on the surface of the sea and a very thin haze. It usually breaks upon a vessel when she is totally unprepared for such a strain upon her canvas and consequently proves one of the most dangerous forms of the sailor's existence. A black squall is far less dangerous, as it is usually preceded by an accumulation of dark clouds and accompanied by heavy rain. Time is thus given to trim sails and to avert peril.

Captain Robert McNiff, of St. Clair flats range lights fame, is in the city. He is making an effort to have a telephone put in at Star Island to connect with Detroit and other telegraph stations for the use of vessel men.

G. T. Benjamin, a former Clevelander, now general manager of the Winchester Manufacturing Co., of Winchester Tenn., has been in the city purchasing machinery for the use of the company at their works in Winchester. Mr. Benjamin has placed orders for $20,000 worth of machinery with the Cleveland city machine works, J. M. Marty & Co. and the Purdy machine company of Cleveland and Coe & Wilkes of Painesville. This is probably the largest order for machinery that has ever been placed in Cleveland from Tennessee.

MARITIME LAW.

RE-INSURANCE — TRANSFER AFTER LOSS — ERRORS OF LAW—CRIMINAL INDICTMENT.

[*Continued from last week.*]

We are therefore of opinion that judgment ought not to have been reversed for any of the reasons stated in the opinion of the learned general term.

But the defendant has the right now to rely, for the purpose of sustaining the reversal, upon any error to be found in the record. His counsel has therefore called our attention to many exceptions taken at the trial, to the most important of which we will now give some consideration.

It is contended that the indictment does not sufficiently charge the offense because it does not allege what the perils and risks were against which the defendant represented the Thames and Mersey had insured the cargo of the Wade, or that the defendant represented that a loss had occurred from a peril against which the company had insured, or that the defendant represented that any person was insured, or that the defendant knew of the falsity of the representations. The code of criminal procedure in sections 275, 276, 284 and 285, provided rules by which the sufficiency of an indictment may be tested. It must contain a plain and concise statement of the act constituting the crime, without unnecessary repetition, it is sufficient if the act charged as the crime is plainly and concisely set forth, with such a degree of certainty as to enable the court to pronounce judgment upon a conviction according to the right of the case; and no indictment is insufficient by reason of any imperfection in matter of form which does not tend to the prejudice of the substantial rights of the defendant upon the merits. This indictment will stand the statutory tests.

The first count is clearly good, and it is well settled that if one of several counts in an indictment is good, that is sufficent to sustain a conviction under a general verdict of guilty. (People vs. Davis, 56 N. Y., 95; People vs. Willett, 102 N. Y., 251.) It is alleged in that count that the defendant represented that the Thames and Mersey had a valid insurance upon the cargo of the Wade; that a loss had occurred, in consequence of which the liability of the company had become fixed, and that had thus become legally liable to pay the amount insured. It was wholly unimportant to specify the precise peril against which the defendant represented the company had insured, and it was sufficient to charge simply that the representation was of valid insurance upon the cargo described and that a loss had occurred which imposed liability upon the company. The indictment does allege that the defendant represented that the insurance was for the benefit of some person, but that the person was to the grand jury unknown. It is sufficiently alleged that the defendant knew the representations to be false. It is charged that "in truth and in fact each and every of the pretenses and representations so made by the said Lorenzo Dimick as aforesaid, was and were wholly false and fraudulent and untrue, and the said Lorenzo Dimick then and there well knew such was the case;" that is, very plainly, that the defendant knew that the pretenses and representations were wholly false, fraudulent and untrue; and no person could attach any other meaning to the words, "knew such was the case."

Whether the representations alleged in the indictment were such as were calculated to, or capable to, deceive, was a question of fact for the jury. It could not be ruled as matter of law upon the face of the indictment that the representations could not and ought not to have deceived anyone.

The property alleged to have been obtained from the Thames and Mersey is sufficiently described in the indictment in the words "the sum of four thousand nine hundred and seventy-five dollars in money of kind and description to the grand jury unknown, and a more particular description of which can not now be given, of the value of four thousand nine hundred and seventy-five dollars." There was never a time in the history of the law when this description of the property obtained would not have been held sufficient. There was the best description which could then be given. The kind of money was unknown. But it was money, currency, a circulating medium of some kind; and, what is more important, it was of the value named. These allegations were sufficient to answer all the tests of the code, to protect all the rights of the defendant, and to enable the court to pronounce judgment "according to the right of the case."

It is further contended that the indictment is defective in charging more than one crime, contrary to sections 278 and 279 of the code. These sections provide that the indictment must charge but one crime and in one form, except that the crime may be charged in separate counts to have been committed by different means; and when the fact complained of may constitute different crimes, such crimes may be charged in separate counts. Here the crime charged was stealing property of the Thames and Mersey. In the first count the crime is charged under section 528 of the penal code to have been committed by means of the false pretenses and representations alleged; and in the second count the same crime is charged under section 529 to have been committed by drawing the money from the Thames and Mersey by means of a draft which the defendant knew he was not entitled to draw. This, then, is a case where the indictment charges in separate counts the same crime to have been committed by different means, and the practice is expressly authorized by the code.

The people were allowed to give evidence upon the trial tending to show that in other cases during the season of 1883, after knowledge of the loss, the defendant changed insurance from the Continental to the Thames and Mersey and other companies for the purpose of shielding the Continental from loss and imposing it upon the other companies. This evidence was objected to on behalf of the defendant, and its reception is now complained of as error. Such evidence has always been held competent in this class of cases. Here it was necessary for the people to show the evil motive and fraudulent intent of the defendant in changing the insurance upon the cargo of the "Wade" after knowledge of the loss, from the Continental to the Thames and Mersey, and for the purpose of showing the motive and intent it was competent for the people to show that the defendant had done other similar acts, although it might thus be shown that he was guilty of other crimes. (Mayer vs People, 80 N. Y., 364; People vs Shulman, Id. 373; Poeple vs Everhardt, 104 N. Y., 591.) The proof as to the other crimes may have been inconclusive, but the people had the right to give it and have it submitted to the jury with proper instructions for ther consideration.

The indictment charges that by means of the fraud alleged the defendant obtained "money" of the Thames and Mersey, and it is contended by defendant's counsel that the proof showed that instead of money the company parted with a draft for the payment of money, and hence that there was an entire failure to prove the charge contained in the indictment. The facts are that the defendant drew upon Macdonald, the general manager in the city of New York of the Thames and Mersey, a draft for $4,975, at three days' sight. This draft was sent to New York to the National Bank of the Republic, and by it was presented to Macdonald, and was by him accepted on the 11th day of December, 1883. On the 17th day of December the Thames and Mersey, by Macdonald as its agent, gave to the National Bank of the Republic its check upon another bank for the payment of the draft, and the draft was thus paid and surrendered, and as the amount of the check was credited on the books of Crosby & Dimick, it is clear that in some form it reached them in Buffalo. The National Bank of the Republic must be deemed to have been the agent of the defendant to receive the payment of the draft, and payment to it must in law be treated as payment to him, and the bank upon which the Thames and Mersey drew its check be treated as its agent in making the payment, and thus upon the facts in every real sense money was paid to the defendant, and the charge in the indictment was substantially proved.

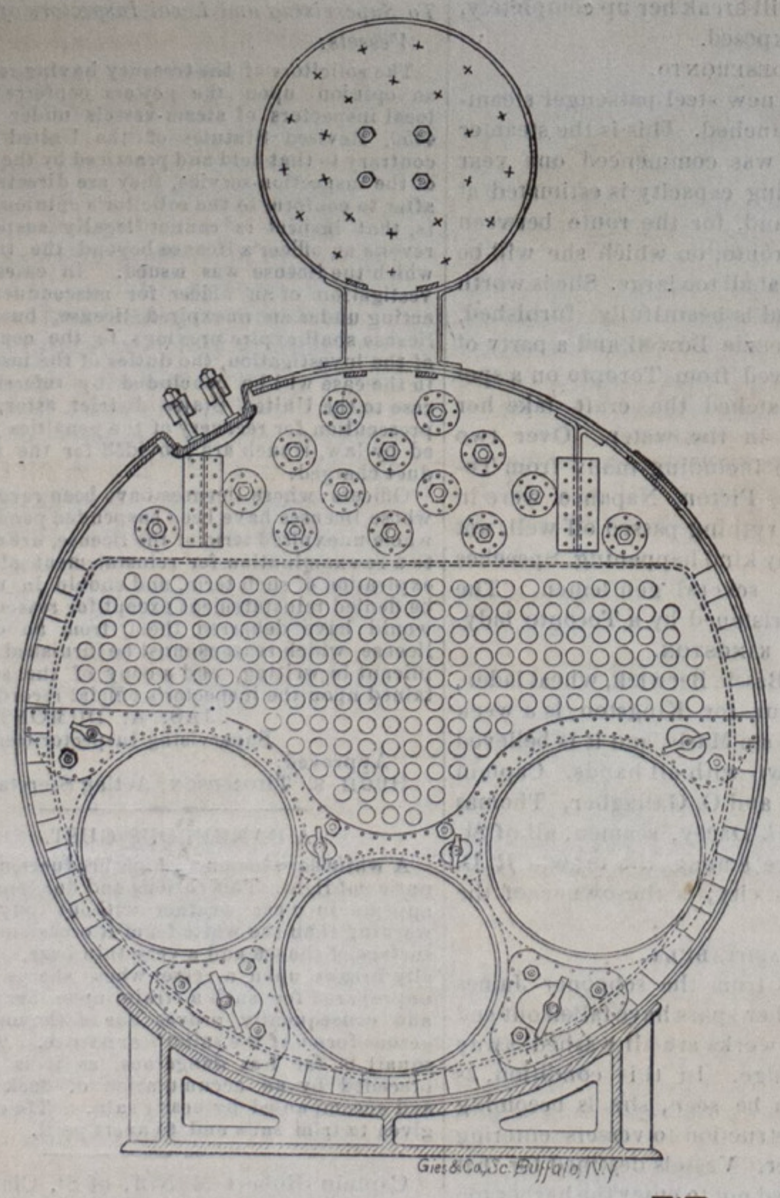
It is further objected on behalf of the defendant that the proof failed to establish that the crime was committed in Buffalo. It was partly committed there. Some of these false representations were made there, and some of the steps leading up to the consummation of the crime were taken there. The first oral false representation as to this insurance made by the defendant to Mcdonald was made there, and the draft and all the other papers were drawn there and sent thence to New York, and the fruits of the crime were finally received in Buffalo, and thus it is clear that the crime was partly committed in Buffalo and partly in the city of New York, and that the case comes within section 134 of the code of criminal procedure, which provides that "when a crime is committed partly in one county and partly in another, or the acts or effects thereof constituting or requisite to the commission of the offence occur in two or more counties, the jurisdiction is in either county." This section conferred jurisdiction upon the oyer and terminer to try the case. But our attention is called to section 38 of the code of criminal proceedure, which defines the criminal jurisdiction of the Buffalo superior court, and provides that it may inquire "by a grand jury of all crimes committed in the City of Buffalo," and that it may "try and determine all indictments found therein or sent there by another court for a crime committed in that city." It may be that section 134 does not affect the jurisdiction of the city court, that it has jurisdiction only and of crimes wholly committed within the city and that thus its grand jury did not in fact and law have jurisdiction to inquire of this crime. But the grand jury did not inquire and did determine that the crime was committed in the City of Buffalo, and it found the indictment. It was clothed with power to determine both the facts and law, and we know of no way to review its determination unless it be by motion to quash the indictment, or to arrest judgment, and no such motion was made. Upon the trial of the indictment, in the oyer and terminer under the plea of not guilty.

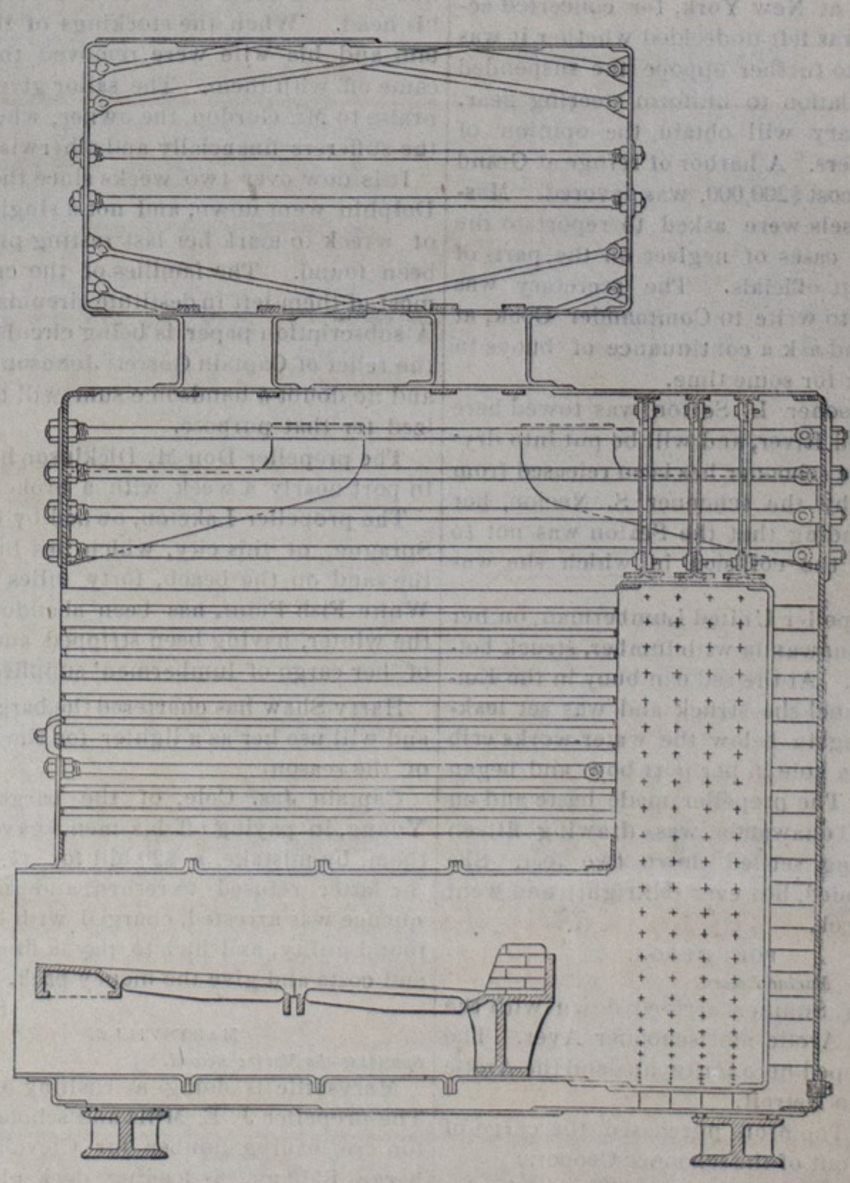
the only question was as to the defendant's guilt and the jurisdiction of the court to try that question. If the court had jurisdiction of the offence and the offender it could try the case and render judgment, and hence the refusal of the following request to charge which is now complained of was not erroneous: "That if the jury believe that the money mentioned in the indictment was paid by the Thames and Mersey Insurance Co., through Macdonald, its agent, by the latter drawing his check in New York city upon his bank in New York city to meet the draft drawn upon the Thames and Mersey Insurance Co., payable in the city of New York, then this crime charged in the indictment was not committed in the city of Buffalo, or county of Erie, but in the county of New York, and they can not convict the defendant under either count of the indictment."

There are very many other exceptions to

[*Continued on 4th page.*]

PHŒNIX IRON WORKS.





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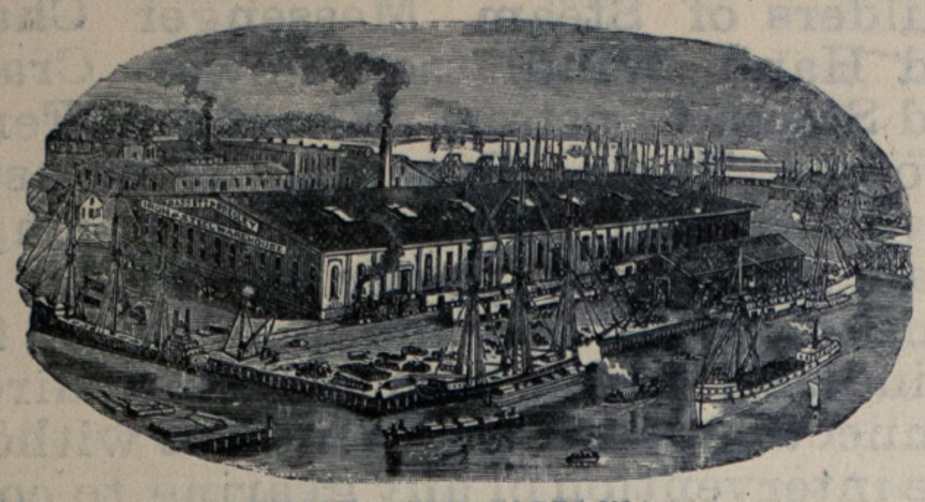

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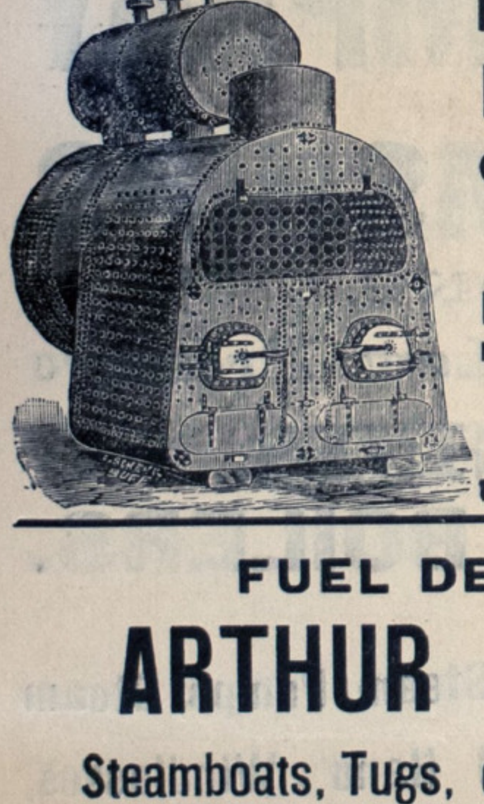

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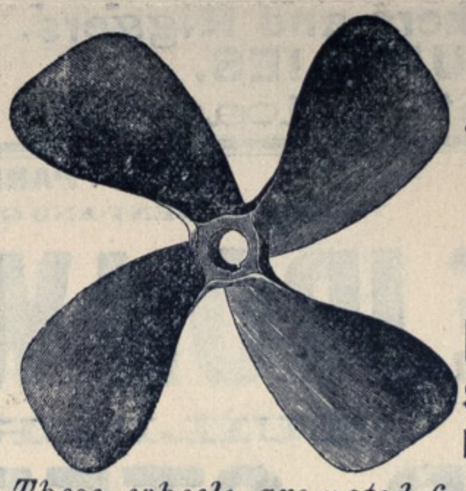

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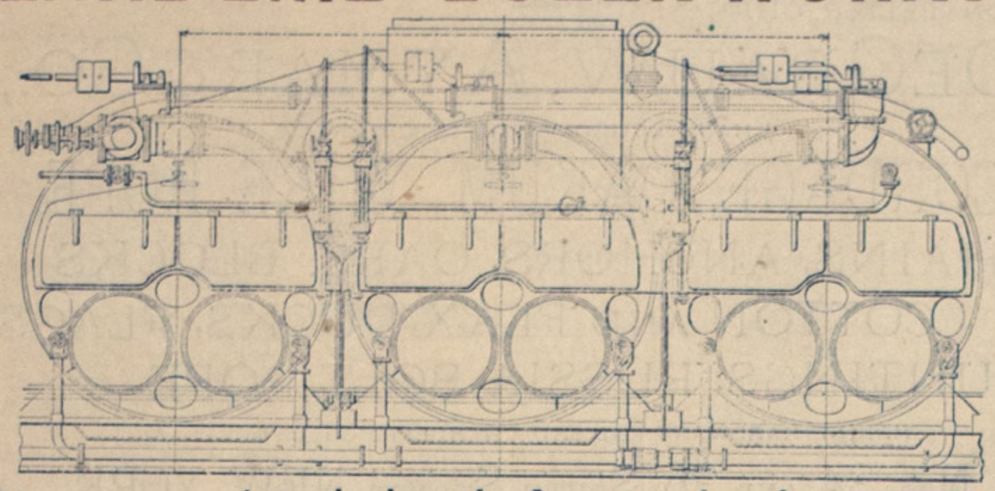

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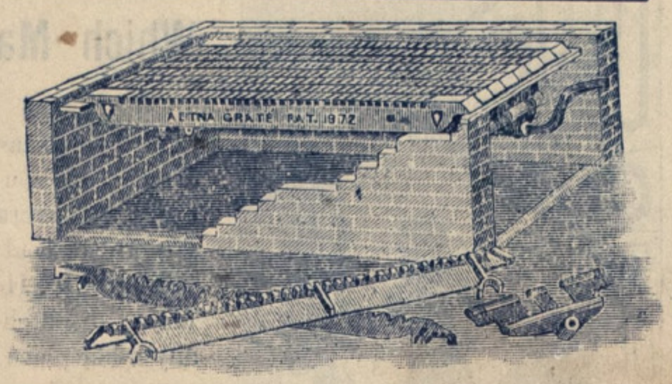

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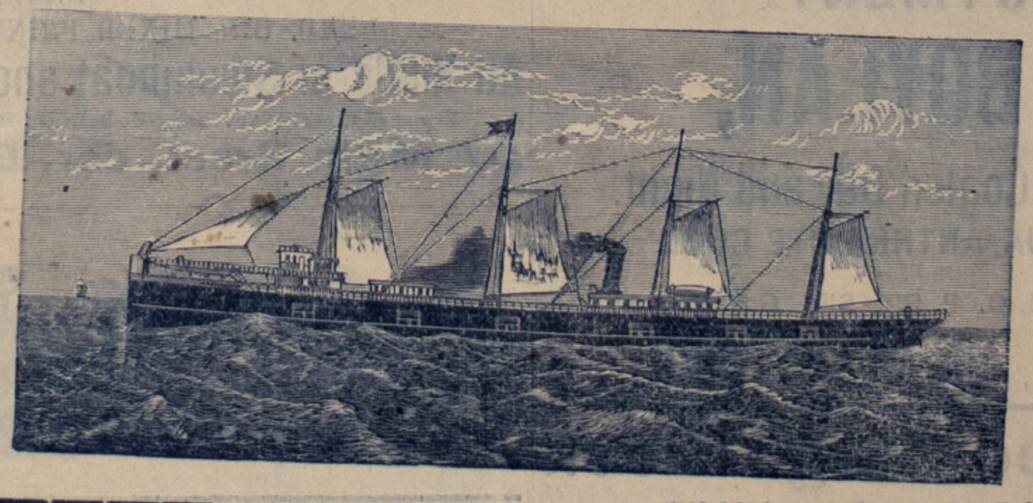

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